THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.18152, 18162 and 18195 of 2006

01.9.2006

Between:

Viswanath, S/o.Erranna
And others

… Petitioners

AND

The District Collector, Adilabad District
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.18152, 18162 and 18195 of 2006

COMMON ORDER:

The petitioners in W.P.No.18152 of 2006 claimed to be successors and legal representatives of late Eranna and owners of land admeasuring Acs.7.21 guntas in survey No.78 situated at Mahagaon Village of Bhainsa Mandal in Adilabad District. The petitioner in other two writ petitions claimed to be in possession of the lands in survey Nos.543, 544/1, 544/3 and 546 situated at Puspoor Village in Lokeshwaram Mandal in Adilabad District. They claimed to be in possession of the lands since long time and are cultivating the same. They also claimed that the land in their possession is inam land, that they filed applications under A.P. (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity) before the Revenue Divisional Officer, Nirmal (RDO), for grant of Occupancy Rights Certificate (ORC). Their claim was dismissed on 21.11.2000. Therefore, they preferred appeals before the Joint Collector, Adilabad, under Section 24 of the Act, which are still pending. In the meanwhile, they alleged that the first respondent addressed a letter to the third respondent to take delivery of possession of the lands from the occupants on the ground that these lands are Wakf lands. Aggrieved by the same, the present writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioners as illegal and arbitrary.

It is the case of the petitioners that their claim under the Act for grant of ORC was dismissed and appeals are pending before the Joint Collector. Therefore, nothing prevented the petitioners from obtaining the orders from the appellate authority to protect their possession. Be that as it is, as on today, the petitioners have not been given any notice as alleged and merely basing on the copy of the letter statedly addressed by the first respondent to third respondent, the present writ petitions are filed. For these reasons, the writ petitions must be held as misconceived. Further, the learned Standing Counsel for A.P.State Wakf Board has placed before this Court a Xerox copy of panchanama conducted in the presence of the MRO, Lokeshwaram Mandal. A perusal of the same would show that insofar as the lands in Puspoor Village of Lokeshwaram Mandal are concerned, except the land in survey No.543, other lands have been taken possession under panchanama. The learned Counsel for A.P.State Wakf Board submits that those are endowed lands. In such background, the remedy of the petitioners is to approach the A.P.State Wakf Board and file application under Section 6 read with 83 of Wakf Act, 1955. It is also open to the petitioners to approach the Joint Collector, Adilabad, and obtain appropriate orders, if they are still in possession of the lands. Insofar as the petitioners in W.P.No.18152 of 2006 is concerned, this Court observes that unless and until the petitioners are given notice, they cannot be dispossessed if they are still in possession of the land. This order shall however be subject to any orders that may be passed by the Joint Collector, Adilabad, in the appeals filed by the petitioners under Section 24 of the Act.

The writ petitions, with the above observations, are disposed of. No costs.

_____

(**V.V.S.RAO, J**)

September 01, 2006.

YS